

## APPENDIX E

### Agency Personal Verification Procedures for Contractor Personnel October 2006

**Background:** Homeland Security Presidential Directive 12 (HSPD-12), signed on August 27, 2004, requires a Government-wide, common identification standard for all Federal and contractor employees requiring physical access to Federally controlled facilities and/or logical access to Federally controlled information systems. The goals of HSPD-12 are to enhance safety and security, increase Government efficiency, reduce identity fraud, and protect personal privacy.

HSPD-12 requires that the common identification be: (a) issued based on sound criteria for verifying an individual employee's identity; (b) strongly resistant to identity fraud, tampering, counterfeiting, and terrorist exploitation; (c) rapidly authenticated electronically; and (d) issued by providers whose reliability has been established by an official accreditation process.

HSPD-12 and its common identification standard require personal identity verification (PIV), background investigations, and suitability determinations for all affected contractor and subcontractor personnel. In accordance with FAR clause 52.204-9, Personal Identity Verification of Contractor Personnel, contractors and subcontractors must comply with EPA's master plan for implementing HSPD-12.

#### **a) Contractor Requirements for Personal Identity Verification of Contractor Personnel (including subcontractors)**

**Contractor Employees Requiring Access to EPA facilities or EPA Information Systems for at Least 24 Hours a Week for at Least 6 Months:** All individual contractor employees whose work under the contract requires on-site access to an EPA controlled facility or logical access to an EPA information system for at least 24 hours a week for at least 6 months a year, will be required to undergo a background investigation in order to receive an EPA Personnel Access and Security System (EPASS) badge.

To begin the PIV process, the contractor should submit to the Contracting Officer Representative (COR) within ten (10) days of contract award or contract modification with this Attachment to Work Statement Agency Personal Verification Procedures for Contractor Personnel, the following information in electronic format via secure means using the HSPD-12 Contractor Template found at <http://epa.gov/oam/>. The template was developed to assist in the transmission of the required contractor employee information in a uniform format. The template also contains drop down menus when entering data in various data cells. Specifically, the 8 data elements, Employee Type, Program Office, Work City and State, Birth State, Birth Country, Citizenship, Previous Investigation and Investigative Agency, contain drop down menus.

Contract number;

Contract expiration date;

Name, address, and phone number of the Contractor Program  
Manager point of  
contact;

Name, date of birth, place of birth (city, state, country), and  
Social Security

Number for all contractor employees identified above.

(NOTE: This information  
must be protected at all times, including during  
transmission, according to the  
requirements of the Privacy Act of 1974; see  
<http://www.epa.gov/privacy/>);

Employee Type, Position, Email address, Program Office, Work City and  
State,

An indication of which contractor employees are foreign  
nationals;

Name of each contractor employee claiming to have a previous,  
favorably

adjudicated Federal background investigation on record, and  
the name of the  
Federal Agency that required the investigation, and the  
completion date.

The contract-level COR will upload this information to the Office  
of Administrative Services Information System (OASIS) personnel  
security database.

After submission of the preliminary information, the contractor  
will be notified by the contract-level COR or PSB when to begin  
providing all information on Standard Form (SF) 85P, Questionnaire for  
Public Trust Positions, and submit the form electronically to PSB via  
the Office of Personnel Management's (OPM's) Electronic Questionnaires  
for Investigations Processing (e-QIP) system. Instructions for using  
e-QIP, filling out, and submitting the SF 85P on-line, can be found at  
<http://www.opm.gov/e-qip/reference.asp>. As part of the investigative  
and EPASS badging processes, contractor employees must be  
fingerprinted, photographed and provide two forms of identification,  
at a time and location specified by the COR. These fingerprints will  
be sent to the Federal Bureau of Investigation (FBI) for processing.

Contractor employees with a favorably adjudicated Federal  
background investigation at the National Agency Check and Inquiries  
(NACI) level or above, completed within the past 5 years and verified  
by EPA, do not require an additional investigation unless one is  
requested by the Contracting Officer (CO) or Contract-level  
Contracting Officer Representative (COR). These employees must still  
be fingerprinted at a time and location specified by the COR.

In order to prevent any interruption of contractor services  
pending the completion of the OPM background investigation, the Office  
of Administrative Services (OAS) Security Management Division (SMD)  
has procedures in place to issue temporary or provisional badges.

When reporting in person, as directed by the contract-level COR,  
contractor employees must provide two forms of original identity  
source documents from the lists on Form I-9, OMB No.1615-0047,  
Employment Eligibility Verification (available at

<http://www.formi9.com/i-9.pdf>) .At least one document shall be a valid State or Federal Government-issued picture identification.

**Contractor Employees Requiring EPA Access for Less than 24 Hours a Week for 6 Months:** These contractor employees may be subject to the above requirements, and may have limited and controlled access to facilities and information systems.

**Foreign National Contractor Employees:** To be eligible to work on-site at an EPA controlled facility or to access EPA information systems, a foreign national contractor employee must have been admitted to the U.S. on an Immigrant Visa or a Non-Immigrant Work Authorization Visa. Foreign nationals requiring access to an EPA controlled facility or EPA information system for at least 24 hours a week for at least 6 months a year must meet the above requirements for an EPASS badge, and in addition:

In the Continuation Space on the SF 85P, provide the visa number, issuance location, and issuance date for the visa used for entry to the U.S; When presenting two identification source documents, as described above, provide at least one from List A on Form 1-9.

When determining a foreign national contractor employee=s eligibility for an EPASS badge, EPA will consider the type of visa presented (immigrant vs. non-immigrant) and the reciprocity agreement between the U.S. and the individual=s country of origin. These considerations are in addition to the A red flag issues listed below.

**Screening of the SF 85P:** Information contained on the SF 85P may demonstrate that a contractor employee is not suitable to be given access to EPA facilities or information systems. PSB will screen information entered on the SF 85P prior to OPM initiating the background investigation. For individuals with admitted, derogatory information, issuance of an EPASS badge may be delayed pending further EPA review. Contractors are responsible for providing qualified personnel in accordance with requirements stated elsewhere in this contract. Contractors will only be notified by the COR if any contractor employee is found unsuitable to perform as a result of a background investigation, and must be immediately replaced by the contractor. The following are possible "red flags":

- Employment - Having been fired from a previous job, or having left under unfavorable circumstances within the past 7 years (Question 12 on the SF 85P);
- Selective Service - Failure to register with the Selective Service System; this applies to male applicants born after December 31, 1959 (Question 17 on the SF 85P);
- Police Records - Within the past 7 years, any arrest, charge, or conviction that has been upheld for violent or dangerous behavior or a pattern of arrests that demonstrates disregard for the law (Question 20 on the SF 85P);
- Illegal Drugs - Illegal use within the previous year, or drug manufacture or other involvement for profit within the past 7 years (Question 21 on the SF 85P).

## **b) Returning Badges**

The contractor is responsible for ensuring that all badges are returned to the COR at the conclusion of the contract or when contractor on-site services are no longer required, or when an individual contractor employee leaves.

**c) Subcontracts**

These requirements must be incorporated into all subcontracts wherein employees= work under the subcontract requires physical access to an EPA controlled facility or logical access to an EPA information system for 6 months or longer.

**d) Appeals**

Contractors have the right to appeal, in writing to the COR, a determination to deny or revoke a badge. If the COR believes an appeal is justified, he/she will forward it to:

U.S. Environmental Protection Agency  
Personnel Security Branch (Mail Code 3206M)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

PSB's decision on behalf of the Agency will be final and not subject to further appeal.

**e) Definitions**

EPA Information System means an information system [44 U.S.C. 3502(8)] used or operated by EPA, or a contractor of EPA or other organization on behalf of the Agency. EPA Controlled Facilities means:

EPA or Federally-owned buildings or leased space, whether for single or multi-tenant occupancy, and its grounds and approaches, all or any portion of which are under the jurisdiction, custody or control of the Agency;

EPA or Federally controlled commercial space shared with non-government tenants. For example, if a department or agency leased the 10th floor of a commercial building, the Directive applies to the 10th floor only;

Government-owned contractor-operated facilities, including laboratories;

The term does not apply to educational institutions that conduct activities on behalf of departments or the agency or at which Federal Employees are hosted unless specifically designated as such by the sponsoring department or agency.

- Foreign National means an individual who is not a United States citizen.